

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

SHANNAN FRAASMAN and )  
HAROLD FRAASMAN, SR., )  
Co-Personal Representatives of the )  
Estate of FELICIA V. FRAASMAN, )  
Deceased, )

Plaintiffs, )

v. )

ANDREW PLOWMAN and )  
L&G TRUCKING, LLC, )  
Defendants. )

Case No.: 4:22-cv-000076

**NOTICE OF REMOVAL**

Defendants Andrew Plowman ("Plowman") and L&G Trucking, LLC ("L&G"), pursuant to 28 U.S.C. §1332, file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, New Albany Division, from the Dearborn County Superior Court, Lawrenceburg, Indiana, and respectfully state as follows:

1. Plowman and L&G are defendants in a personal injury action now pending in the Dearborn County Superior Court under Cause No. 15D01-2204-CT-000011.

2. Plaintiffs filed their Complaint for Damages in the Dearborn County Superior Court on April 4, 2022.

3. All Defendants that have been served with the Summons and Complaint to date consent to the removal of this lawsuit to the United States District Court for the Southern District of Indiana, New Albany Division, from the Dearborn County Superior Court.

4. Plaintiffs' Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. The decedent, Felicia V. Fraasman, was, at the time of her death, a citizen of Indiana and was domiciled at 1641 N County Road 575 E in Milan, Indiana. Thus, at the time of her death, Felicia Fraasman was a citizen and resident of Indiana.

6. Following Felicia Fraasman's death, an estate was opened in the Ripley Circuit Court in the State of Indiana under Cause No. 69C01-2203-EU-000024. Plaintiffs Shannan Fraasman and Harold Fraasman, Sr. were appointed co-personal representatives of the Estate. Both Shannan and Harold Fraasman reside and are domiciled at 1569 N County Road 575 E in Milan, Indiana. Thus, Plaintiffs are citizens and residents of Indiana.

7. L&G is a limited liability company organized under the laws of the State of Kentucky, with its principal place of business at 8725 N. Wilderness Road, Mt. Vernon, Kentucky. The two members of L&G are Eugene Caldwell and Lori Caldwell. Both Eugene Caldwell and Lori Caldwell reside at and are domiciled at 8725 N. Wilderness Road, Mt. Vernon, Kentucky. As such, L&G is a citizen of the State of Kentucky.

8. Plowman is a citizen of the State of Kentucky, as he resides at and is domiciled at 1004 Quincy Court, Berea, Kentucky.

9. The controversy in this cause of action is entirely between citizens of different states.

10. While Plaintiffs' Complaint seeks an unspecified amount of damages, Plaintiffs refused to admit that their damages are less than \$75,000.00. (See, Exhibit A). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit B is a complete copy of the Complaint, Appearance, Summons to Defendant Andrew Plowman, Summons to Defendant L&G Trucking, LLC, Return of Service for Andrew Plowman, Return of Service for L&G Trucking, LLC, Motion for Trial Date, Motion for Mediation, Order Granting Motion for Mediation, Order Granting Motion for Pre-Trial Conference filed on behalf of Plaintiffs; and Defendants' Appearance, Motion for Enlargement of Time to Answer, Order on Motion for Enlargement of Time and Answer, Affirmative Defenses and Demand for Trial by Jury. These documents constitute all of the pleadings and process on file with the Dearborn County Superior Court as of the date of this filing of this Notice of Removal.

12. Attached hereto as Exhibit C is a separate copy of Plaintiffs' Complaint filed on April 4, 2022.

13. Attached hereto as Exhibit D is the current State Court docket.

14. Upon receiving a file-marked copy of this Notice of Removal, Defendants will file a copy with the Clerk of the Dearborn County Superior Court.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

**s/Christopher R. Whitten**

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Nathan D. Foushee

KEN NUNN LAW OFFICE

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**s/Christopher R. Whitten**

Christopher R. Whitten